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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,152	09/12/2003	Richard C. Wilson	12230-008	8747

757 7590 06/22/2005

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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/662,152

Applicant(s)

WILSON, RICHARD C.

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/15/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

### DETAILED ACTION

1. Claims 1-7 are pending in the application.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto (U.S. Publication No. 2001/0046594) in view of Schmooch (U.S. Patent No. 5,344,692).

Takemoto discloses a decorative sheet (*title*) to be applied to building materials, such as walls, and surface materials of, for example, fittings such as doors and furniture (*page 1, paragraph 0001*) which may have a leather appearance (*page 2, paragraph 0020*).

Regarding Applicant's claim 1, Takemoto discloses a thermoplastic laminate veneer (*decorative sheet, title*) for a preformed substrate (*furniture, page 1, paragraph 0001*). The veneer comprises a top layer including a sheet of a first acrylic material (*primer layer, page 4, paragraphs 0054 and 0055*), an intermediate image layer formed of one or more sheets of PVC material (*pattern layer, page 2, paragraph 0020*), at least one intermediate layer sheet having a face presenting image (*page 2, paragraph 0020*), and a bottom layer formed of at least two sheets of a second acrylic material (*substrate and sealer layer, page 2, paragraphs 0017 and 0018 and page 4, paragraphs 0045-0047*).

Takemoto fails to disclose that the bonded interface between the at least two sheets of the second acrylic material causes a discontinuity that bridges a surface imperfections of the substrate when the veneer is mounted on the substrate.

Schmoock discloses a decorative sheet for use on leather like substrates (*col. 1, lines 21-40*). The sheet comprises an inner layer called a leveling or equalizing layer which can contain one or more pigments so that it actually hides the uneven side of the substrate (*col. 8, lines 41-45*). Furthermore, the material do the inner layer can be a thermoplastic substance that is flowable in response to heat so that the bonded interface between the inner layer material cause a discontinuity that bridges surface imperfections of the substrate when the sheet is mounted to the substrate (*col. 8, lines 53-57 and figure 1*).

Takemoto and Schmoock are analogous because they both disclose decorative laminate sheets.

It would have been obvious to one of ordinary skill in the art at the time of the invention to make Takemoto bottom layer a leveling or equalizing layer as taught by Schmook in order to bond the interface between bottom layer and the substrate to bridge surface imperfections in the substrate. One of ordinary skill in the art would have been motivated to use a leveling or equalizing layer because it would hides the uneven side of the substrate (*Schmoock col. 8, lines 41-45*).

Regarding Applicant's claim 2, Takemoto discloses that each of the at least two sheets of the second acrylic material has substantially the same thickness (*figure 2*).

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Regarding Applicant's claim 3, Takemoto discloses that one of the first and second acrylic materials is impact modified (*page 2, paragraphs 0017-0018 and page 4, paragraphs 0045-0055*).

Regarding Applicant's claim 4, Takemoto discloses that the second acrylic material is substantially identical to the first acrylic material (*page 2, paragraphs 0017-0018 and page 4, paragraphs 0045-0055*).

Regarding Applicant's claim 5, Takemoto discloses that the top layer includes one or more selected from the group consisting of colorants, pigments and decorative metallic flakes (*page 2, paragraph 0020*).

Regarding Applicant's claim 6, Takemoto discloses that the upper surface of the top layer includes a textured surface finish (*page 2, paragraph 0020*).

Regarding Applicant's claim 7, Takemoto discloses that the first layer further includes a scratch-resistant coating applied to an upper face of the acrylic sheet (*page 2, paragraph 0023*).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Alicia Chevalier". The signature is written in a cursive, flowing style.

Alicia Chevalier

6/19/05